

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/17/2023
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARTIN MARTINEZ,

Plaintiff,

-against-

35 WEST 20TH STREET REST. INC.,
doing business as PERIYALI
RESTAURANT, and NICOLA TZOLIS and
SOTIRIOS TZOLIS, aka STEVE TZOLIS,
individually,

Defendants.
----- X

22-CV-6067 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on January 13, 2023, the parties submitted a proposed settlement agreement for the Court's approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), *see* Dkt. 13;

WHEREAS the Court finds that counsel's requested fee and the settlement amount for the case are reasonable; and


WHEREAS the Court finds that the proposed settlement agreement is fair and reasonable but contains the following two typographical errors: in the "Settlement Amount" paragraph on page 2 of the agreement, "Defendants agree to pay Plaintiff the total sum of fourteen thousand give hundred dollars (\$13,500.00)," and in paragraph 6, page 4, the agreement provides that the parties consent to jurisdiction in the Eastern District of New York for litigation arising out of the settlement agreement. *See* Dkt. 13-1, Ex. A.

IT IS HEREBY ORDERED that the parties must submit a corrected proposed settlement agreement by no later than **January 20, 2023**. The Court would be prepared to approve as fair and reasonable a settlement agreement that is free of typographical errors discussed above.

IT IS FURTHER ORDERED that the status conference scheduled for January 20, 2023 is CANCELLED.

SO ORDERED.

Date: January 17, 2023
New York, NY



VALERIE CAPRONI
United States District Judge